

REMARKS

Introductory Comments

Reconsideration of the above-identified application in view of the above amendments and arguments set forth is respectfully requested.

Claims 59, 61, 72-76, 79-81 and 84 are pending and under consideration. Claims 77 and 78 have been canceled in this amendment. Claims 81 and 84 have been amended as explained below. No new matter has been added as a result of these amendments.

Applicants thank the Examiner for withdrawing the obviousness-type double patenting rejection made in the previous Office Action.

Rejection of Claims 59, 61, 77, 78 and 84 Under 35 U.S.C. § 112,

First Paragraph – Written Description

Claims 59, 61, 77, 78 and 84 are rejected under 35 U.S.C. § 112, first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants respectfully traverse the rejection.

The Examiner states that these claims are rejected for the reasons set forth in the previous Office Action. The Examiner suggests deleting claim 77 and inserting the limitation macrolide into the preamble of claim 84 in order to overcome the rejection.

Although Applicants disagree with the Examiner's position, in an effort to expedite prosecution of the instant claims, Applicants have amended the claims in the manner suggested by the Examiner.

Accordingly, Applicants respectfully request withdrawal of the rejection of claims 59, 61, 77, 78 and 84 under 35 U.S.C. § 112, first paragraph as containing subject matter which was not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Rejection of Claims 59, 61, 77, 78 and 84 Under 35 U.S.C. § 112,

First Paragraph – Enablement

Claims 59, 61, 77, 78 and 84 are rejected under 35 U.S.C. § 112, first paragraph because the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, make and use the invention commensurate in scope with these claims. Applicants respectfully traverse the rejection.

The Examiner states that these claims are rejected for the reasons set forth in the previous Office Action. The Examiner suggests deleting claim 77 and inserting the limitation macrolide into the preamble of claim 84 in order to overcome the rejection.

Although Applicants disagree with the Examiner's position, in an effort to expedite prosecution of the instant claims, Applicants have amended the claims in the manner suggested by the Examiner.

Accordingly, Applicants respectfully request withdrawal of the rejection of claims 59, 61, 77, 78 and 84 under 35 U.S.C. § 112, first paragraph because the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, make and use the invention commensurate in scope with these claims.

Rejection of Claims 59, 61, 72-75, 77-79 and 84 Under 35 U.S.C. § 112,

Second Paragraph

Claims 59, 61, 72-75, 77-79 and 84 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The Examiner states that the “specific polyketide analogs” in claim 84 is indefinite because the polyketides of the claimed methods are not “specific”. The Examiner suggests changing this phrase to “modified polyketide” instead. Additionally, the Examiner states that in claim 84, “protein” should be changed to “polyketide synthase.”

Although Applicants disagree with the Examiner’s position, in an effort to expedite prosecution of the instant claims, Applicants have amended the claims in the manner suggested by the Examiner.

Accordingly, Applicants respectfully request withdrawal of the rejection of claims 59, 61, 72-75, 77-79 and 84 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants express their appreciation for the Examiner’s suggestions. Applicants have amended the claims in every aspect of the Examiner’s suggestions and therefore respectfully request passing the claims through issuance.

CONCLUSION

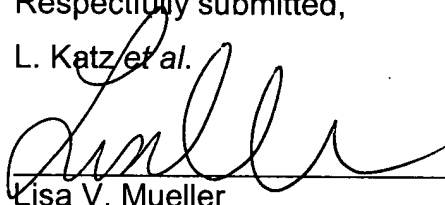
Applicants respectfully submit that the claims comply with the requirements of 35 U.S.C. Section 112. Accordingly, a Notice of Allowance is believed to be in order and is respectfully requested.

Should the Examiner have any questions concerning the above, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below. If the Examiner notes any further matters which the Examiner believes may be expedited by a telephone interview, the Examiner is requested to contact the undersigned.

If any additional fees are incurred as a result of the filing of this paper, authorization is given to charge deposit account no. 23-0785.

Respectfully submitted,

L. Katz *et al.*



Lisa V. Mueller

Registration No. 38,978

Attorney for Applicants

Wood, Phillips, Katz, Clark & Mortimer
500 West Madison Street
Suite 3800
Chicago, IL 60662-2511

Tel.: (312) 876-2109
Fax.: (312) 876-2020